

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

July 13, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETE E. GUTIERREZ, JEANETTE  
M. GUTIERREZ, GUTIERREZ P.  
ENTERPRISES, LLC., FGMS  
HOLDINGS, LLC, OVATION  
SERVICES, LLC, CAPITAL ONE,  
NATIONAL ASSOCIATION, AND  
DEUTSCHE BANK TRUST  
COMPANY AMERICAS, AS  
TRUSTEE FOR RESIDENTIAL  
ACCREDIT LOANS, INC.,

Defendants.

BY: NM  
DEPUTY

CIVIL NO. SA:21-CV-00286-OLG

**ORDER**

Before the Court is United States Magistrate Judge Richard B. Farrer's Report and Recommendation (R&R) concerning Plaintiff the United States of America's Motion for Partial Summary Judgment (*see* Dkt. No. 39) and Motion to Dismiss Defendants Capital One and Ovation Services (*see* Dkt. No. 46).<sup>1</sup> (R&R, Dkt. No. 51, filed Apr. 20, 2023.) Defendants Pete E. Gutierrez and Jeanette M. Gutierrez were served with a copy of the R&R on May 1, 2023, and the time to object has passed. (Dkt. No. 53.) Because no party has objected to the R&R, the Court has reviewed the recommendation to determine whether it is clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). It is not. Accordingly, the Court concludes that Magistrate Judge Farrer's Report and Recommendation (Dkt. No. 51) should be and hereby is **ADOPTED**.

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<sup>1</sup>In light of the United States' stipulations with FGMS Holdings, LLC (*see* Dkt. No. 32) and Deutsche Bank Trust Company Americas (*see* Dkt. No. 33), the pending motions—which the R&R recommends be granted in full—resolve all outstanding issues in this matter. (*See* Dkt. Nos. 47 & 48.)

It is therefore **ORDERED** that, for the reasons stated in the R&R, Plaintiff's Motion for Summary Judgment (Dkt. No. 39) and Plaintiff's Motion to Dismiss Defendants Capital One and Ovation Services (Dkt. No. 46) are **GRANTED**.

It is so **ORDERED**.

**SIGNED** this 12 day of July, 2023.



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ORLANDO L. GARCIA  
United States District Judge